

Penal Code of 1925, relating to manslaughter, and all other laws in conflict with this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 168, A bill to be entitled "An Act amending Articles 1256 and 1257, of the Penal Code of 1925, so as to properly define murder and fixing the punishment for murder, inserting in the Penal Code a new Article numbered 1257-a, relating to what may be proved and considered by the jury, in determining the punishment to be assessed for murder; repealing Chapter 15, Title 15, of the Penal Code of 1925, relating to manslaughter and all other laws in conflict with this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the attached committee amendment.

WOODWARD, Chairman.

Committee Amendment to S. B.
No. 168.

Amend S. B. No. 168 by adding to Article 1257-a the following, to-wit:

Provided, however, that in all convictions under this Act and where the punishment assessed by the Jury does not exceed five years, the Defendant shall have the benefits of the suspended sentence act.

Amend Senate B. No. 168 as follows:

Amend the bill by adding at the end of Section 3 the following: "This Act shall not be construed as repealing Chapter 14 of Title 15 of the Penal Code of this State relating to negligent homicide."

Amend the bill by inserting at the end of Section 3 the following: "Chapter 18 of Title 15 of the Penal Code of this State is hereby repealed."

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 140, A bill to be entitled, "An Act to permit applicants for writs of habeas corpus in all criminal cases where the maximum penalty for such offense does not exceed the punishment of confinement in the State Penitentiary for more than ten years, when the relief prayed for by such applicant is denied by the judge of the Court that applicant's petition is filed in a court of competent jurisdiction, and an appeal is taken from such judgment or order of the trial court to the Court of Criminal Appeals to the State of Texas, such applicant may execute a good and sufficient bond to be approved by the Court or judge as now provided under provisions of Title 10 of the Code of Criminal Procedure of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that

S. B. No. 129, A bill to be entitled "An Act providing for bail in Habeas Corpus cases where the Defendant is remanded to custody of an officer and the case is appealed."

Be substituted therefor and that it pass in lieu thereof.

WOODWARD, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Friday, February 11, 1927.
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Holbrook.
Berkeley.	Lewis.
Bledsoe.	Love.
Bowers.	McFarlane.
Fairchild.	Miller.
Floyd.	Neal.
Greer.	Parr.
Hall.	Pollard.
Hardin.	Price.

Real.	Ward.
Reid.	Westbrook.
Russek.	Wirtz.
Smith.	Witt.
Stuart.	Wood.
Triplett.	Woodward.

Absent—Excused.

Moore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Stuart:

S. B. No. 341, A bill to be entitled "An Act providing for the compensation and expenses of delegates to a constitutional convention in the event the same should be voted by the people and for the expenses of such convention; making an appropriation for said purposes, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Price:

S. B. No. 342, A bill to be entitled "An Act to authorize and regulate the exchange of certain classes of contracts of indemnity or insurance between individuals, partnerships and corporations specifying the duties of the Commissioner of Insurance in connection therewith, and penalties for violations of the provisions; amending Chapter 20, Title 78, of the Revised Statutes of Texas, and all of the Articles of said Chapter, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Price:

S. B. No. 343, A bill to be entitled "An Act to regulate the business of insurance on what is known as the Lloyd's Plan, amending all of Chapter 19, Title 78, Revised Civil Statutes of Texas, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Bledsoe:

S. B. No. 344, A bill to be entitled "An Act amending Article 6698, of the Revised Civil Statutes of the State of Texas, 1925, to authorize cities and towns to require a license fee for the use of motor vehicles for hire within corporate limits, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Bledsoe:

S. B. No. 345, A bill to be entitled "An Act to amend Article 802, of the Penal Code of the State of Texas, as adopted in 1925."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Bledsoe:

S. B. No. 346, A bill to be entitled "An Act to amend Article 670, of the Penal Code of the State of Texas as adopted in 1925."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Bledsoe:

S. B. No. 347, A bill to be entitled "An Act creating and establishing the 99th Judicial District, to be composed of Lubbock County, Texas; fixing the terms and the times of holding the district court in said district; providing for a transfer of some of the cases pending in the 72nd Judicial District Court in said county to the court herein created, and requiring the necessary things to be done in connection with said transfer of cases; providing for the district clerk of Lubbock County to act as such clerk for the district court herein created; providing that the district attorney for the 72nd Judicial District shall act as the district attorney for said court herein created; providing for a district judge for the court herein created; providing that the sheriff of Lubbock County shall perform duties in connection with said court herein created as provided by general law in connection with district courts; enacting the necessary provisions in reference to process and writs, records and papers, connected with cases transferred under this Act; providing all matters and things incidental to the main purpose of this Act, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 348, A bill to be entitled "An Act to amend Article 2547, Chapter 2, Title 47, Revised Civil Statutes, 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hall:

S. B. No. 349, A bill to be entitled "An Act to extend the time and keep in force for a period of three years from March 5, 1927, Oil and Gas Permit No. 9369, on 156.3 acres of the bed of San Jacinto River, Harris County, Texas, upon the same terms and conditions on which the original permit was issued, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Hall:

S. B. No. 350, A bill to be entitled "An Act to authorize the commissioners' courts of the various counties of the State of Texas, to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting the pupils of the public schools and to appropriate public funds in payment thereof."

Read first time and referred to Committee on Public Health.

By Senator Love:

S. B. No. 351, A bill to be entitled "An Act regulating the liability of sureties on obligations and undertakings in case of discharge or release of any principal thereon, less than all, or in event of alterations or changes in the terms of such obligation or undertaking; enacting Article 6252-a of the Revised Civil Statutes of 1925; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 352, A bill to be entitled "An Act amending Article 3810 of the Revised Civil Statutes, 1925, so as to change the method of giving notice of sales provided for in said Article, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Miller:

S. B. No. 353, A bill to be entitled "An Act repealing local and special

road law of Parker County, Texas, which was presented to the Governor for approval on March 21, A. D. 1899, and became a law without his approval, and repealing any and all local or special road laws for Parker County, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

S. C. R. No. 16.

Senator Miller received unanimous consent to send up the following resolution:

By Senator Miller:

Whereas, the Mineral Wells Chamber of Commerce, a corporation organized under the laws of the State of Texas, with its principal office and place of business in the city of Mineral Wells, Palo Pinto County, Texas, executed and delivered a deed dated the 5th day of February, A. D. 1927, conveying to Jacob F. Wolters, Brigadier General, Texas National Guard, and his successors in office, in trust, fifty (50) acres of land at or near Mineral Wells in Palo Pinto County, Texas, same to be used for the establishment and maintenance of a permanent encampment of the Texas National Guard; and

Whereas, It is provided in said deed that the title to said property is to be transferred by said trustee to the State of Texas at any time after the donation aforesaid has been accepted by the State and the Legislature should express a desire to have such transfer made; and

Whereas, It has been determined that the property herein is suitable for a permanent encampment for the Texas National Guard, and is an admirable location for the purpose intended, and it having been made to appear that the title thereto has been approved by the Attorney General and that the same is now vested in fee simple in Jacob F. Wolters, Brigadier General, Texas National Guard, as trustee, as aforesaid, and that he is now ready, willing and anxious to execute and deliver his deed conveying the property to the State for the purpose herein set forth;

Therefore, be it Resolved by the Senate of Texas, the House of Representatives concurring, That the donation on the part of the Mineral

Wells Chamber of Commerce of the land and premises mentionad herein and described in the deed conveying the property to Jacob F. Wolters, Brigadier General, Texas National Guard, his successors in office, in trust for the State of Texas, for the use and benefit of the Texas National Guard as a permanent encampment, be and the same is hereby accepted and said trustee is hereby directed to execute and deliver the proper deed conveying said land and premises unto the State for the purpose herein specified. The instrument to be so executed and delivered shall be drawn by the Attorney General, and after its execution shall be delivered to the Adjutant General of this State to be by him filed and recorded in the county clerk's office of Palo Pinto County, Texas;

Be it Further Resolved, That thanks be extended to the donors of the property and that deep appreciation of the truly patriotic motives impelling such a donation be and the same is hereby expressed on behalf of the Legislature as well as the State and the general public to the Mineral Wells Chamber of Commerce, as well as to the good people of the city of Mineral Wells; and

Be it Further Resolved, That a copy of this resolution be forwarded to the said donors and a copy hereof be furnished Jacob F. Wolters, Brigadier General, Texas National Guard, for his information and guidance.

The resolution was read and adopted.

Bills Signed.

After their captions were read, the Chair signed, in the presence of the Senate, the following bills:

S. B. No. 155.	H. B. No. 6.
H. B. No. 40.	H. B. No. 3.
H. B. No. 80.	H. B. No. 75.
H. B. No. 34.	H. B. No. 32.
H. B. No. 30.	H. B. No. 43.
H. B. No. 28.	

S. J. R. No. 2.

The Chair laid before the Senate on the calendar the following joint resolution:

S. J. R. No. 2, A joint resolution "Providing for a convention to frame a Constitution for the State of Texas."

Senator Stuart sent up the following amendments:

(Amendment No. 1.)

Amend S. J. R. No. 2, by adding at the end of Section 3 thereof the following:

"Such delegates shall not be deemed public officers, and members of the Legislature shall not be disqualified by reason of such membership to become delegates to said convention."

The amendment was read and adopted.

(Amendment No. 2.)

By Senator Stuart:

Amend S. J. R. No. 2, by adding at the end of Section 5 thereof the following:

Upon said convention it shall proceed to frame a new Constitution for the State of Texas and submit the same to a vote of the qualified electors of this State at a general election to be held throughout the State on the First Monday of August, A. D. 1928, and if it appear from a return of said election that a majority of the votes cast have been cast in favor of the Constitution so framed, the same shall become the Constitution of the State of Texas."

The amendment was read.

Senator Love sent up the following amendment to the pending amendment:

(Amendment No. 1 to Amendment No. 2.)

Amend the amendment by striking out the words "first Monday in August" and inserting in lieu thereof the words "first Tuesday after the first Monday in November."

The amendment was read and adopted.

The amendment by Senator Stuart as amended was adopted.

Senator Bailey moved the previous question on the resolution.

The previous question was ordered by the following vote:

Yeas—17.

Bailey.	Price.
Berkeley.	Reid.
Bledsoe.	Stuart.
Floyd.	Triplett.
Hall.	Ward.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.
Neal.	

Nays—11.

Bowers.	Parr.
Fairchild.	Pollard.
Greer.	Russek.
Hardin.	Smith.
Holbrook.	Wirtz.
Miller.	

Absent—Excused.

Moore.	Westbrook.
Real.	

The resolution was ordered engrossed.

S. J. R. No. 8.

The Chair laid before the Senate on the calendar the following joint resolution:

S. J. R. No. 8. A joint resolution "Proposing the amendment of Article Eight, Section Nineteen, of the State Constitution so as to carry forward the provision for the exemption from taxation of farm products in the hands of the producer and as family supplies for the home and farm use, and also providing for the exemption from taxation of cotton mills located in the State of Texas for a period of fifteen years."

The resolution was read.

The committee amendments were read.

Senator Wirtz sent up the following substitute for the committee amendments:

(Substitute for Committee Amendment, S. J. R. No. 8.)

Amend S. J. R. No. 8, by striking out of the bill, wherever they appear, the following: "and for a period of fifteen years from the time this amendment shall take effect all cotton mills and all property necessarily incident thereto shall be exempt from all taxation in this State."

The amendment was read and adopted.

On the motion of Senator Price, the vote by which the amendment was adopted was reconsidered.

Senator Price moved to table the amendment.

Senator Wirtz withdrew his amendment.

Messages from the House

The Chair recognized the Door-keeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives, Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 18, A bill to be entitled "An Act to create a commission in aid of the Court of Criminal Appeals of Texas, regulating their powers and duties, appointment, duration of service, compensation and providing for stenographer and making an appropriation therefor, and declaring an emergency."

With amendments.

S. B. No. 55, A bill to be entitled "An Act amending Section 7, 19, and 29, of Chapter 172, of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to better provide for protection of game, and providing a more adequate manner for limits of game or wild birds and animals that may be taken, killed or possessed; providing for hunting licenses in this State; enacting proper provisions for the protection of wild deer, wild fawn deer, and wild buck deer; defining the necessary offenses and prescribing penalties to carry out the provisions of this Act; providing for proper fees of officers and all things incidental to the main purposes of this Act, and declaring an emergency."

With amendments.

S. B. No. 56, A bill to be entitled "An Act amending Section 8 of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, which section relates to wild beaver, wild otter and wild fox and the pelts thereof, so as to provide that said section shall not apply to wild fox and the pelts thereof, so as to provide that said section shall not apply to that portion of Texas lying west of a line starting at the mouth of the Brazos River where it empties into the Gulf of Mexico, thence following the meanderings of the Brazos River north to the intersection of the east boundary line of Young County, thence north along the west boundary line of Jack and Clay Counties to the Red River, and declaring an emergency."

With amendments.

S. B. No. 62, A bill to be entitled "An Act amending Chapter 8 of Title 69 of the Revised Civil Statutes

of the State of Texas adopted at the Regular Session of the 39th Legislature by adding thereto an article to be known as Article 4195-a providing: Whenever the estate of a minor consists in part of real estate and any part or parcel of such real estate produces no revenue or does not produce sufficient revenue to make a fair return upon the value of such part or parcel of said real estate, and the guardian of said estate does not deem it advisable or advantageous to said estate to improve such part or parcel of said real estate, and said guardian believes the sale of such part or parcel of said real estate and the investment of the money derived therefrom would be to the best interest of said estate under all circumstances, said guardian may make a written application to the court in which such guardianship is pending stating such facts and asking for an order to sell such part or parcel of said real estate, and authorizing the court to order such sale, and providing an emergency."

S. B. No. 87, A bill to be entitled "An Act to amend Article 2496 of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 88, A bill to be entitled "An Act to amend Article 2274 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 90, A bill to be entitled "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act to amend Article 3996 of Title 65, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 93, A bill to be entitled "An Act to amend Article 4930 of Chapter 11, Title 78, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 94, A bill to be entitled "An Act to amend Article 8306, Part 1, Title 130 of the Revised Civil Statutes of 1925, by adding thereto a section to be known as Section 11a defining total and permanent injuries and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has amended:

S. B. No. 71, A bill to be entitled "An Act prescribing and fixing the number of hours that shall constitute a legal day's work on all work being performed by or on behalf of the State; providing for cases of emergency; prescribing penalties for its violation, and expressly repealing an Act passed at the Regular Session of the Thirty-second Legislature, known as H. B. No. 98, and being the same Act that was attempted to be vetoed by the Governor, but which veto was held ineffective by the Supreme Court because the veto message was filed with the Secretary of State after the expiration of twenty days as held by the Supreme Court in the case of R. B. Minor, et al. vs. C. C. McDonald, Secretary of State; and expressly repealing H. B. No. 298, known as Chapter 121 of the Acts of the Thirty-seventh Legislature, Regular Session of 1921, and declaring an emergency."

By striking out the enacting clause by a vote of 86 yeas and 37 nays. A motion to reconsider was tabled.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Senate Bill No. 18.

On the motion of Senator Woodward the Senate concurred in the House amendments to S. B. No. 18 by the following vote:

Yeas—23.

Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Greer	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wood.
Neal.	Woodward.
Parr.	

Present—Not voting.

Bailey.	Wirtz.
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Absent.

Bledsoe.
Hardin.

Lewis.
Witt.

Absent—Excused.

Moore. Real.

The following are the amendments.

(Amendment No. 1.)

Amend S. B. No. 18 by adding after the word "thereon" on page 1, line 26, in the caption, the following: "making it discretionary with the Governor as to whether he may appoint one or two such members, and."

(Amendment No. 2.)

Amend S. B. No. 18 by striking out all of Section 5 of the bill and renumber Section 6 to correspond.

(Amendment No. 3.)

Amend S. B. No. 18 by adding the following after the word "court," on page 2, line 7: "Provided, it shall not be obligatory on the Governor to appoint two such members to fill vacancy if in his judgment the condition of the docket of the court does not require it, but he may under his discretion appoint only one such member."

(Amendment No. 4.)

Amend S. B. No. 18 by striking out the words "making an appropriation therefor."

Senate Bill No. 219.

On the motion of Senator McFarlane, S. B. No. 219 was ordered printed on the minority report.

Recess.

On the motion of Senator Price the Senate at 11:55 recessed until this afternoon at 2:00 p. m.

After Recess.

The Senate was called to order by Lieutenant Governor Barry Miller at ment of per diem on the Senate.

S. J. R. No. 8.

The question recurred on S. J. R. No. 8.

On the motion of Senator Price

the committee report with the committee amendments were adopted.

The resolution was ordered engrossed.

S. J. R. No. 6.

The Chair laid before the Senate, on the calendar, the following joint resolution:

S. J. R. No. 6, A joint resolution "Proposing an amendment to Article XVI of the Constitution of Texas, by the addition of a new section to said Article XVI, to be numbered Section 65; etc."

The resolution was read second time.

Senator Fairchild sent up the following amendment:

Amend S. J. R. No. 6, page 2, line 2, by inserting after the word "the" and before the word "day" the word "first."

The amendment was read and adopted.

Amend S. J. R. No. 6, page 2, line 2, by inserting after the word "of" the word "August."

The amendment was read and adopted.

The resolution was ordered engrossed.

S. J. R. No. 13.

The Chair laid before the Senate, on the calendar, the following joint resolution:

S. J. R. No. 13, A joint resolution "Amending a section of the Constitution of the State of Texas as follows: Section 3 of Article 7 relating to taxation for free public school purposes and the distribution thereof, and providing free textbooks for certain scholastics."

The resolution was read second time and laid on the table subject to call.

Simple Resolution No. 57.

Senator Smith received unanimous consent to send up the following resolution:

Whereas, this Senate will soon be called on to pass upon a measure involving all people of our great State and millions of the people's money, and

Whereas, It is highly advisable that the committee before whom such question will come for consideration should be thoroughly advised on the merit of this question, and

Whereas, the Governor and the Lieutenant Governor have neither made an inspection of the State's property belonging to the penitentiary system, and in view of the fact that the proposed relocation of the same will be very expensive and will be a heavy burden upon the State's finances; and in further view of the fact that they are charged with the enforcement of the law and to look after general welfare of the State, this Committee believes that each of them should visit the penitentiary system farms:

Therefore be it Resolved, that the Committee or State Penitentiaries, the Governor and the Lieutenant Governor of the State make a trip to the prison farms as soon as practicable and at such time as is designated by the Chairman of the Committee as will be convenient for the Committee, in order that first hand knowledge concerning such properties can be obtained and that the expenses of the trip including railroad fare, hotel bills and other transportation be paid out of the contingent expense fund of the Senate upon warrants drawn in the same manner as those drawn in the payment of per diem of the Senate.

The resolution was read.

Senator Bledsoe moved to table the resolution.

The motion to table was lost.

Senator Stuart sent up the following amendment:

(Amendment No. 1.)

Amend S. R. No. 57, by providing that all members of the Senate be added to the Committee on Penitentiaries and that they make said trip.

The amendment was read.

The Chair ruled the amendment out of order on a point of order from Senator Fairchild.

Senator Bailey moved to lay the resolution on the table subject to call.

The motion was lost by the following vote:

Yeas—11.

Bailey.	Stuart.
Bledsoe.	Triplett.
Greer	Ward.
Hardin.	Witt.
Holbrook.	Woodward.
Parr.	

Nays—11.

Bowers.	Neal.
Fairchild.	Pollard.
Hall.	Smith.
Lewis.	Westbrook.
Love.	Wirtz.
Miller.	

Present—Not voting.

Floyd.

Absent.

Berkeley.	Reid.
Price.	Russek.

Absent—Excused.

Moore.	Real.
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Senator McFarlane sent up the following pair:

Senator McFarlane (present), who would vote nay; with Senator Wood (absent), who would vote yea.

There being eleven yeas and eleven nays and one pair, the Chair voted nay and the motion to table was lost.

Senator Stuart sent up the following amendment:

(Amendment No. 1.)

"Amend S. R. No. 57, by providing that the entire Senate make the trip with the committee.

The amendment was read.

The amendment was lost by the following vote:

Yeas—7.

Berkeley.	Parr.
Bledsoe.	Stuart.
Floyd.	Witt.
Hardin.	

Nays—16.

Bailey.	Miller.
Bowers.	Neal.
Fairchild.	Smith.
Greer	Triplett.
Hall.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	

Absent.

McFarlane.	Russek.
Pollard.	Wood.
Price.	Woodward.
Reid.	

Absent—Excused.

Moore.	Real.
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The resolution was adopted by the following vote:

Yeas—12.

Bowers.	Neal.
Fairchild.	Smith.
Hall.	Stuart.
Lewis.	Triplett.
Love.	Westbrook.
Miller.	Wirtz.

Nays—11.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Ward.
Floyd.	Witt.
Greer.	Woodward.
Holbrook.	

Absent.

Hardin.	Reid.
McFarlane.	Russek.
Price.	Wood.

Absent—Excused.

Moore. Real.

S. J. R. No. 14.

The Chair laid before the Senate, on the calendar, the following joint resolution:

S. J. R. No. 14, A joint resolution "Proposing to amend Sections 2, 4, 6, 7, 9, 15, 18, 20, 21 and 2, Article V, Constitution of Texas.

The resolution was read second time.

The following committee amendments were read:

Amend S. J. R. No. 14 by striking out of Section 1 thereof the following words: "and shall receive an annual salary of six thousand five hundred dollars until otherwise provided by law." And insert in lieu thereof the following: "and shall receive such compensation as may be provided by law."

Amend said resolution by striking out of Section 3 thereof the following words: "and shall receive an annual salary of five thousand dollars until otherwise provided by law." And insert in lieu thereof the following: "and shall receive such compensation as may be provided by law."

Amend said resolution by striking out of Section 4 thereof the following words: "and shall receive for his services an annual salary of five thousand dollars until otherwise

changed by-laws." And inserting in lieu thereof the following: "and shall receive such compensation as may be provided by law."

Amend said resolution by striking out of Section 9 thereof the following words: "Provided, district attorneys shall receive an annual salary of five hundred dollars to be paid by the State, and such fees, commissions perquisites as may be provided by law."

Amend said resolution by striking out of Section 9 thereof the following words: "County attorney shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law."

The committee amendments were adopted.

The resolution was engrossed.

S. J. R. No. 15.

The Chair laid before the Senate, on the calendar, the following resolution:

S. J. R. No. 15, A joint resolution "Proposing to amend Sections 4, 5, 12, 16, 22, and 23, Article IV, Constitution of Texas.

The resolution was read second time.

The following amendments were read.

Amend S. J. R. No. 15, by striking out Section 2 thereof and renumbering the sections of the resolution accordingly.

Amend said resolution by striking out of Section 5 thereof the following words: "He or she shall receive for his services an annual salary of seven thousand five hundred dollars and no more." And insert in lieu thereof the following: "The Attorney General shall receive such compensation as may be provided by law."

Amend said resolution by striking out of Section 6 thereof the following words: "receive an annual salary of five thousand dollars and no more." And insert in lieu thereof the following: "receive such compensation as may be provided by law."

The amendments were adopted by the following vote:

Yeas—11.

Bledsoe.	Price.
Bowers.	Triplett.
Hall.	Ward.
Holbrook.	Wirtz.
Love.	Witt.
Neal.	

Nays—10.

Bailey.	Lewis.
Berkeley.	Miller.
Fairchild.	Pollard.
Floyd.	Smith.
Greer	Westbrook.

Absent.

Hardin.	Russek.
McFarlane.	Stuart.
Parr.	Wood.
Reid.	Woodward.

Absent—Excused.

Moore.	Real.
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Senator Wirtz sent up the following amendment:

(Amendment No. 1.)

Amend S. J. R. No. 15, by striking out of lines 31 and 32 the words "an annual salary of ten thousand dollars and no more," and in lieu thereof insert the following: "such compensation as may be provided by law."

The amendment was lost by the following vote:

Yeas—9.

Berkeley.	Parr.
Bowers.	Ward.
Holbrook.	Wirtz.
Love.	Woodward.
Miller.	

Nays—13.

Bledsoe.	Pollard.
Fairchild.	Price.
Floyd.	Smith.
Greer	Triplett.
Hall.	Westbrook.
Lewis.	Witt.
Neal.	

Absent.

Bailey.	Russek.
Hardin.	Stuart.
McFarlane.	Wood.
Reid.	

Absent—Excused.

Moore.	Real.
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Senator Neal moved to reconsider the vote by which the committee amendments were adopted.

The motion to reconsider prevailed by the following vote:

Yeas—14.

Berkeley.	Miller.
Fairchild.	Neal.
Floyd.	Pollard.
Greer.	Smith.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Woodward.

Nays—9.

Bledsoe.	Price.
Bowers.	Ward.
Hall.	Wirtz.
Love.	Witt.
Parr.	

Absent.

Bailey.	Russek.
McFarlane.	Stuart.
Reid.	Wood.

Absent—Excused.

Moore.	Real.
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Senator Wirtz sent up the following amendment to the committee amendments:

Amend all pending amendments by adding after the words "as may be provided by law" the following: "Provided such salary shall not be changed to take effect during the term of the officer in such office at the time the change is made."

The amendment was read and adopted.

Bills Signed.

After their captions were read the Chair signed, in the presence of the Senate, the following bills:

S. B. No. 87.	S. B. No. 90.
S. B. No. 62.	S. B. No. 92.
S. B. No. 88.	S. B. No. 94.
S. B. No. 18.	S. B. No. 93.

Senate Bill No. 56.

On the motion of Senator Berkley the Senate concurred in the House amendments to S. B. No. 56.

The following are copies of the amendments:

Amend Senate bill No. 56, Section 1, by adding after the word "Red River" the following:

"Provided that it shall be unlawful to take, hunt, capture or kill, or attempt to hunt, capture or kill any wild game or wild animals by means of traps or any other mechanical device within the limits of Limestone

county for a period of five years from and after the passage of this Act."

Amend the caption of Senate bill No. 56 by adding after the words "Red River" the words, "to prohibit the use of traps or other mechanical devices in Limestone county for a period of five years."

Amend House bill No. 56, Providing for the exemption of Hays and Caldwell counties from the provision of this bill so far as fox are concerned.

Signed—Rogers of Hays and McKean.

Senate Bill No. 55.

On the motion of Senator Berkley the Senate refused to concur in the House amendment to S. B. No. 55, and the Chair appointed the following conference committee to act on the part of the Senate:

Berkley, Bledsoe, Hall, Witt, Wood.

Adjournment.

On the motion of Senator Holbrook, the Senate at 4:25 p. m. adjourned until Monday morning at 10:00 o'clock a. m.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 155 carefully examined and compared, and find the same correctly enrolled and have this day at 10:45 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 100 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 1 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 2 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 6 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 8 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 7, A joint resolution, "Proposing an Amendment to Article V of the Constitution of the State of Texas for the improvement of the Judicial system of the State of Texas."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, S. J. R. No. 24, embracing the same subject having been heretofore reported with the recommendation that it do pass.

STUART, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. C. R. No. 2, has had same under consideration, and beg to report back to the Senate with the recommendation that it do pass.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 287, has had same under consideration, and beg to report back to the Senate with the recommendation that it do not pass.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 319, beg leave to report we have had same under consideration, and I am instructed to report same with recommendations that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 333, beg leave to report, we have had same under consideration and I am instructed to report same with recommendations that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 324, A bill to be entitled "An Act authorizing the creation of trust companies, defining their powers, fixing their liabilities, providing for the manner and form of their incorporation, providing for the supervision of the same by the State Banking Commissioner, providing for reserves against deposits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 282, A bill to be entitled "An Act regulating the slaughter and sale of animals in this State; amending Article 6908 of the Revised Civil Statutes of 1925 and enacting a new article of said Statutes to be numbered 6908-a; making the provisions of Article 6908 applicable to sheep and goats as well as cattle; providing penalties and remedies for violations and failure to comply with Articles 6904 and 6908 dealt with in this Act; making such changes in the Statutes in reference to the slaughter and sale of animals mentioned in said articles so as to comport with the main purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 316, A bill to be entitled "An Act to amend Article 4993, Chapter 18, of the Revised Civil Statutes of Texas, 1925 providing that corporations organized and do-

ing business under Section 10 of Article 4989 may invest the excess of their capital over and above fifty thousand (\$50,000.00) dollars in purchase or construction of a complete abstract plant; providing that at least 95 per cent of the stock of such abstract plant be owned by the Guaranty Company; providing how the valuation of such plant be determined and the manner of appointing the appraisers to appraise the value of an abstract plant and providing for a reserve fund, repealing all laws or parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 315, A bill to be entitled "An Act to provide an additional salary of two thousand (\$2,000.00) dollars each per annum to the members of the Railroad Commission of Texas to be paid out of the fund created under Article 6032 of the Revised Civil Statutes of the State of Texas, and one thousand five hundred dollars (\$1,500.00) each per annum to be paid out of the fund created under Article 6060 of the Revised Civil Statutes of the State of Texas; providing of the payment in monthly installments of such increase; appropriating the sum of three thousand six hundred (\$3,600.00) dollars proportionately from the two respective funds to cover the increase in salary for the remainder of the fiscal year ending August 31, 1927, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 193, A bill to be entitled "An Act providing for the payment

of an annual salary of \$500.00 per annum to county attorneys in those counties in Texas wherein there is no district attorney, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 249, A bill to be entitled "An Act to amend Articles 1020, 1029, 1030, 1032 and 1040 of the Code of Criminal Procedure of 1925, fixing the fees of district attorneys, county attorneys, county judges, sheriffs, justices of the peace in examining trials in felony cases and fixing fees allowed sheriffs and constables in felony cases for executing all criminal process after indictment is returned; for summoning a jury; for removing or conveying prisoners; for attaching and conveying out of county witnesses; for attending prisoner or prisoners on habeas corpus; providing the means and manner of making returns and accounts on and for criminal process in felony cases; for conveying juveniles to training school; for the safe keeping, support and maintenance of prisoners confined in jail or under guard; authorizing the commissioners' court to furnish one or more automobiles to sheriff upon his sworn written application therefor; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that it do pass with the attached committee amendment.

WIRTZ, Chairman.

Amendment to S. B. No. 249.

Amend Senate Bill No. 249 by inserting in Section 2 of Article 1040 as contained therein after the words "shall receive" and before the words "four dollars per day" the following words:

"Out of the general county fund."

Amend said bill by striking out all of Section 2 of Article 1040 thereof and insert in lieu thereof the fol-

lowing:

"Sec. 2. For support and maintenance, for each prisoner for each day such an amount as may be fixed by the commissioners court, provided the same shall be reasonably sufficient for such purpose, and in no event shall it be less than forty cents per day nor more than seventy-five cents per day for each prisoner. The net profits shall constitute fees of office and shall be accounted for by the sheriff in his annual report as other fees now provided for by law. The sheriff shall in such report furnish an itemized verified account of all expenditures made by him for feeding and maintenance of prisoners, accompanying such report with receipts and vouchers in support of such items of expenditure, and the difference between such expenditures and the amount allowed by the commissioners court shall be deemed to constitute the net profits for which said officer shall account as fees of office."

Amend said bill by striking out all of Section 3 of Article 1040 as contained in said bill beginning with the words "the commissioners court" and renumber said Article 1040 accordingly.

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 64, A bill to be entitled "An Act to amend Title One, Chapter One, Article 3943, Revised Civil Statutes of Texas, relating to fees of office of county treasurers, so as to hereafter read as follows:

Have had the same under consideration, and I am instructed to report it back to the Senate that it do pass with the following committee amendment:

Amendment to S. B. No. 64.

Amend Senate Bill No. 64 by striking out the following words:

"In which the assessed value of the property of such counties shall be one hundred million dollars or more, as shown by the preceding assessment roll."

And insert in lieu thereof the following:

"Having a population of two hundred thousand or more, according to the last United States census."

WIRTZ, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 219, A bill to be entitled "An Act amending Article 7336 of the Revised Civil Statutes of 1925, so as to permit county and State taxes to be paid quarterly; amending said article so as to adjust its provisions to quarterly payments of such taxes; providing that no suit shall be brought for such taxes until they become delinquent as provided in this Act; and declaring an emergency."

Have had the same under consideration and have adopted a substitute bill herewith submitted in lieu of the original bill and I am instructed to report same back to the Senate with the recommendation that both the original and substitute do not pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 10, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 219, A bill to be entitled "An Act amending Article 7336 of the Revised Civil Statutes of 1925, so as to permit county and State taxes to be paid quarterly; amending said article so as to adjust its provisions to quarterly payments of such taxes; providing that no suit shall be brought for such taxes until they become delinquent as provided in this Act; and declaring an emergency."

Have had the same under consideration and beg to differ with the majority of the committee and report same back to the Senate with the recommendation that the original do not pass but that the committee substitute, adopted in lieu thereof, do pass.

WOOD,
WITT.

Committee Room.

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 244, A bill to be entitled "An Act amending Article 544 of the Penal Code of Texas, of 1925, relating to loans or credits of incorporated banks or trust companies chartered under the laws of this State; reducing the amount of loan or credit in proportion to the capital stock and surplus of any such bank or trust company that may be extended or made to any individual, corporation, company or firm, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 263, A bill to be entitled "An Act amending Article 554 of the Revised Civil Statutes of Texas, 1925, (being the second Article in Chapter 8, Title 16, of said Statutes relating to Banks and Banking), making it unlawful for any incorporated bank other than state banking corporation and national banks to use their names in advertising matter, etc. the words 'bank', 'bankers,' 'trust,' 'trust company,' etc.; and providing that certain corporations may use said designations 'bank,' 'banker,' 'trust,' 'trust company,' etc. by using thereafter the words, 'without banking privileges;,' and providing that any corporation violating said article shall forfeit its charter or permit to do business in this State; and providing for winding up of the affairs of any such corporation so violating said article; and providing also a penalty against any corporation or any officer or agent thereof violating said article, etc., by adding thereto a provision as follows: "Provided nothing in this article shall prevent any corporation originating or dealing in mortgages, bonds, corporate stock or other investment securities from designating

itself "investment Bankers" or its business as "investment banking;" and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 71, A bill to be entitled "An Act to amend Chapter 172 of the General Laws of the Regular Session of the Thirty-ninth Legislature. Section 5, Page 388 relating to the preservation and propagation of all wild animals, wild birds and wild fowls of this State, and amending Chapter 6 of the Revised Criminal Statutes, Art. 878, page 197 relating to division into zones for the time limits as to hunting game, making provisions for a change in boundary from Longview to Loraine on the Louisiana State Line instead of from Longview to Texarkana and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, with committee amendments.

WIRTZ, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 71 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. That Article 878 of the Penal Code of the State of Texas be amended so as to hereafter read as follows:

"Art. 878. Division into Zones. In order to divide the State for the purpose of better regulating the open and closed seasons for the hunting of wild game birds and wild game animals of this State, a line beginning on the Rio Grande River directly West of the town of Del Rio, Texas; Thence East to the town of Del Rio; Thence Easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, Hondo, San An-

tonio, Geguin, Gonzales, Schulenburg, Columbus, Rosenberg, Houston, Liberty, Beaumont and to the Louisiana State line where said railroad crosses the Sabine River, shall constitute a division of the North and South hunting zones of this State. All that portion of the State lying North or Northerly shall be known as the North zone; and all that portion of the State lying South or Southerly of said line shall be known as the South zone.

Section 2. That this Act shall take effect and be in force from and after September 1, 1927.

Section 3. The fact that the law now in force works an injustice to a large number of hunters and citizens of Texas in that the line now runs practically North and South through the State and a portion of the State of Texas is in the South zone whereas it should be in the North zone; and a portion is in the North zone and it should be in the South zone creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended.

Committee Amendment No. 2.

H. B. No. 71, A bill to be entitled "An Act to amend Article 878 of the Penal Code of the State of Texas relating to dividing the State into zones pertaining to hunting wild game birds and wild game animals; and providing for which portion of the State shall be in the North zone and South zone, and declaring an emergency."

Committee Room,

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 128, A bill to be entitled "An Act to provide for the examination, testing and reading of electric light, power, natural and artificial gas meters used by private concerns to determine the amount of power or gas used by their consumers, on complaint made by any of said consumers in incorporated cities, towns or villages within this State; said examination, testing and reading to be

made by the agents of the city council or city commissioners in said cities, towns or villages on complaint being made as foresaid to them by said consumers; and further providing for the making of reports to such complaining consumers as to results of said tests, reading and examination; providing a penalty for refusal to comply with any of the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 10, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 285, A bill to be entitled "An Act to amend Article 1025 of the Code of Criminal Procedure of 1925, fixing the fees of county and district attorneys, and declaring an emergency."

Have had the same under consideration and have adopted a substitute bill herewith submitted in lieu of the original bill and I am instructed to report same back to the Senate with the recommendation that the original do not pass but that the committee substitute adopted in lieu thereof, do pass.

WIRTZ, Chairman.

Committee Substitute.

A BILL

To Be Entitled

An Act to amend Article 1025 of the Code of Criminal Procedure of Texas, of 1925, fixing the fees of county and district attorneys in certain counties, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 1025 of the Code of Criminal Procedure of Texas, 1925, be, and the same is hereby amended to hereafter read as follows:

"Art. 1025. In each county in Texas where there is no district attorney, and where the county attorney represents the State in all felony and misdemeanor prosecutions, and

in each county not in a judicial district composed of two counties or more, the county attorney or district attorney shall receive the following fees:

For each trial of a felony case, other than felonious homicide, the sum of twenty-four (\$24.00) dollars, and for the trial of a felonious homicide, the sum of forty (\$40.00) dollars. For representing the State in each habeas corpus hearing, where the applicant is charged with a felony, the sum of sixteen (\$16.00) dollars.

Sec. 2. The fact that there now exists inadequate and insufficient fees, and the fact that the prosecuting officers fees are contingent upon a conviction in felony matters, and the fact that practically all district attorneys are now working on a per diem basis, thereby creating an unjust discrimination against county attorneys who perform the services of district attorneys, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days, be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 191, A bill to be entitled "An Act amending Article 1667 of the Revised Civil Statutes of 1925, relating to the improvement, navigation, drainage, road or irrigation districts, and other character of districts, having for their purpose the expenditure of public funds for improvement purposes or for improvements of any kind whether derived from the issuance of bonds or through any character of special assessment, and relating to the duties of the county auditor in reference thereto; making said Article and Articles 1668 to 1676 of the same Chapter relating to the same subject matter applicable in counties having less than 110,000 inhabitants, according to the preceding Federal census, as well as those having 110,000 inhabitants or more, accord-

ing to such census, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 338, A bill to be entitled "An Act to amend Chapter 2, of Title 128, of the Revised Statutes of 1925, relating to water improvement districts by providing that lands in any such district which are not susceptible of irrigation by gravity from the existing system of canals and laterals, or which the owners thereof no longer desire to irrigate from such system, or which for other reasons, should be withdrawn from such district, may be discontinued as part of such district; providing that the board of directors may pass resolutions, excluding such territory, etc.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

Substitute for S. B. No. 208.

By Witt:

A BILL

To Be Entitled

An Act pertaining to the election of members of the board of county school trustees; conferring upon said board and county school trustees the additional authority of employing a county superintendent of schools and assistant and prescribing their duties; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The general management and control of the public free schools and high schools in each county shall be vested in five county school trustees who shall be elected by the qualified voters of the common school districts and independent districts having less than five hundred scholastic population, one of whom

shall be elected from the county at large by the qualified voters of the said common school districts and independent districts having less than five hundred scholastic population, and one from each commissioners precinct by the qualified voters of the common school districts and independent districts of less than five hundred scholastic population of each commissioners precinct; each member herein provided to be elected from each commissioners precinct shall be a resident qualified voter of a common school district or an independent district of less than five hundred scholastic population of said commissioners precinct. All of said members of the board of county school trustees shall serve for a term of two years. The time for such election shall be the first Saturday in April of each year. The order for the election of the county school trustees shall be made by the county judge at least thirty days prior to the date of said election, and such order shall designate one voting place for each common school district. The election for trustees in common school districts and each independent district having less than five hundred scholastic population shall hold the election at the same place therein for county school trustees. Each year there shall be elected alternately two county school trustees and three county school trustees in each county. The State superintendent shall prepare a proper form of the ballot to be used in such election and such explanation of the laws as he deems necessary and transmit the same to the county judge of each county at least sixty days prior to the date of such election. All vacancies shall be filled by the remaining trustees provided that nothing herein shall interfere with any member of the board of county trustees of serving out his present term.

Sec. 2. The county board of trustees of every county now having a county superintendent of schools, or having three thousand scholastic population or more as shown by the scholastic census of the last preceding calendar year ending in 0 or 5 shall employ a county superintendent of schools to serve for a term not to exceed two years, who shall be a person of educational attainments, good

moral character and executive ability and who shall be provided by the commissioners' court with an office in the court house with necessary record books, office furniture and fixtures. He or she shall be the holder of a teacher's first grade certificate and shall have taught or supervised public schools in the State of Texas for at least thirty months in five separate calendar years prior to his or her employment, and shall be at least twenty-six years of age; provided that the qualifications herein prescribed as to certificate, experience and age shall not render any county superintendent now holding the office ineligible for employment to succeed himself in office one term or more; provided further that the first term of office under the provisions of this Act shall begin January 1, 1929, and expire not later than June 30, 1930. The term of office thereafter shall begin July 1st and continue not to exceed two years.

Sec. 3. The county board of trustees may make provisions for the appointment of a competent assistant for the county superintendent and prescribe his duties provided that nothing herein shall prohibit the county board from conferring upon said assistant the duties of attendance officer and said board is hereby authorized to fix the salary of such assistant and pay the same out of the funds from which the salary of the superintendent is paid. Provided that the assistant herein provided for shall not be related to the county superintendent, or any member of said board of county school trustees within the second degree by affinity or within the third degree by consanguinity.

Sec. 4. The county superintendent and his assistant shall be under the directions of the county board of school trustees; the said board shall require of him and his assistant a report of their work at each regular meeting of said board and at such other times as it may direct; and report shall include the schools visited; times spent in each, condition of same and such other information as the board may require.

Sec. 5. The county board of school trustees shall have authority to employ a part time county superintendent of schools in such counties

as in their judgment does not require a full time county superintendent, and fix his salary at any amount less than the present maximum now allowed full time superintendents; provided that said part time county superintendent of schools shall be subject to the same provisions of this law as provided for full time superintendents.

Sec. 6. The county superintendent shall receive such annual salary as the maximum heretofore provided for the respective counties by general or special legislative enactment.

Sec. 7. Repealing clause.

Sec. 8. Emergency clause.

Unanimous consent was granted to print the substitute in the Journal.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,

Monday, February 14, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	

Absent.

Bowers. Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Reid.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 354, A bill to be entitled "An Act to create Road District No. 26 in Brazoria County, Texas; validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district, approving and validating all orders of the commissioners' court of said county in respect to said road district, bonds and taxes or certified copies thereof and constituting such orders legal evidence and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Holbrook:

S. B. No. 355, A bill to be entitled "An Act to create Road District No. 25 in Brazoria County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district, approving and validating all orders of the commissioners' court of said county in respect to said road district, bonds and taxes or certified copies thereof, and constituting such orders legal evidence and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Holbrook:

S. B. No. 356, A bill to be entitled "An Act to create road district No. 9 of Fort Bend County, Texas; validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization of certain road bonds thereof, and providing for the issuance and sale thereof; authorizing